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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

Y03-020

First Named Inventor: Robert A. Contestabile

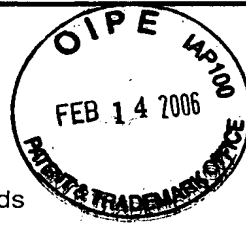
Application Number: 10/644,606

Filed: August 20, 2003

Title: Electronic Monitoring Systems and Methods

Art Unit: 2632

Examiner: Daryl C. Pope



Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☒ Small entity – fee \$ 250.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☐ Other than small entity – fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

- A The reply and/or fee to the above-noted Office action in the form of
- remarks on page 3, amendment after final, \$250 check (identify the type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

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250.00 0P

- B The issue fee of \$ _____

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-2199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

Kenneth W. Float

Typed or printed name

2095 Hwy. 211 NW, # 2F

Address

Braselton, GA 30517

Address

February 10, 2006

Date

29,233

Registration Number, if applicable

(949) 257-7964

Telephone Number

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ supplemental amendment after final

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 10, 2006

Date



Signature

Kenneth W. Float

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

_____
Signature_____
2/10/2006

Date

Kenneth W. Float

Typed or printed name

29,233

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A Final Office Action was mailed on 7/13/2005. An amendment after final rejection in response to this action was faxed to the PTO fax server (571-273-8300) on 9/16/2005, and an Auto-reply transmission was received from the fax server. An Advisory Action responding to the amendment after final was mailed on 1/23/2006 (postmarked 1/24/2006), which was ten days past the end of the six month statutory period. A Notice of Abandonment was mailed on 1/24/2006 (postmarked 1/24/2006), and was received by the undersigned attorney on the same day as the Advisory Action. A second copy of the Advisory Action dated 1/23/2006 (postmarked 1/25/2006) was also received by the undersigned attorney after the end of the six month statutory period.

It is respectfully submitted that the Examiner's delay in preparing and mailing the Advisory Action (more than three-months from PTO receipt of the amendment after final rejection) and because the Advisory Action was mailed after the end of the six month statutory period were the reasons that the application became abandoned. Abandonment was not caused in any way by Applicant. Applicant did not have any time to respond to the remarks in the Advisory Action by submitting a further amendment after final rejection amending claims 36-39 to place them in condition for allowance, or file an RCE.

Enclosed is a supplemental Amendment after Final Rejection that amends Claims 36, 27 and 39 and cancels Claim 38 in order to place the application in condition for allowance based upon the Examiner's statements in the Advisory Action. This Amendment after Final Rejection would have been submitted in a timely manner had Applicant had the opportunity to do so. However, Applicant was precluded from filing this amendment due to the fact that the Advisory Action was not received prior to the end of the six month statutory period and abandonment of the application. It is respectfully requested that the present application be revived and that the Examiner consider the enclosed amendment after final rejection.

In view of the fact that the Office was responsible for abandonment of the application, it is respectfully requested that Applicant's \$250 petition fee be refunded.

(Please attach additional sheets if additional space is needed.)